

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JUAN SERRANO,)	
)	
Petitioner,)	
)	
v.)	No. 2:20-cv-00503-JPH-DLP
)	
WARDEN,)	
)	
Respondent.)	

**ENTRY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
AND DIRECTING ENTRY OF FINAL JUDGMENT**

In a prison disciplinary proceeding identified as WVD 20-02-0041, Mr. Serrano was found guilty of violating prison rules on March 10, 2020. Dkt. 7-1. In his motion to dismiss, the respondent reports that the only sanctions that could have affected the duration of the petitioner's custody, a deprivation of 45 days' earned credit time, were vacated by the Indiana Department of Correction ("IDOC") Appeal Review Officer on November 20, 2020. Dkt. 7. The IDOC returned the lost time to Mr. Serrano. Dkt. 7-2.

A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. § 2254(a) only if it finds the applicant "is in custody in violation of the Constitution or laws or treaties of the United States." *Id.* Because the petitioner is not "in custody" based on the sanctions imposed in the challenged disciplinary hearing, the habeas action is moot. *See Eichwedel v. Curry*, 700 F.3d 275, 279 (7th Cir. 2012). A moot case must be dismissed for lack of jurisdiction. *Home Care Providers, Inc. v. Hemmelgarn*, 861 F.3d 615, 620 (7th Cir. 2017).

Accordingly, for the above reasons, the respondent's unopposed motion to dismiss this action as moot, dkt. [7], is **granted**. Judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 1/21/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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